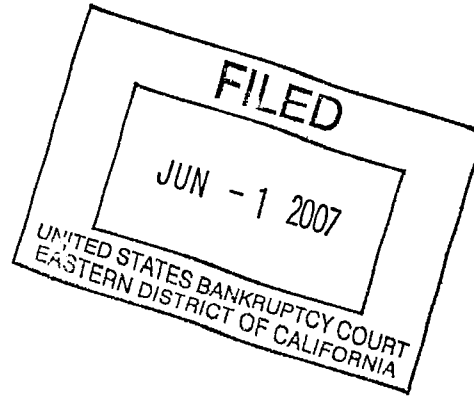


(4)



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

|                            |   |                       |
|----------------------------|---|-----------------------|
| In re                      | ) | Case No. 07-20656-C-7 |
|                            | ) |                       |
| LAWRENCE EDWIN JENKINS and | ) | MC No. TJS-1          |
| JODI ANN JENKINS           | ) |                       |
|                            | ) |                       |
| Debtors.                   | ) |                       |

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON MOTION FOR RELIEF FROM AUTOMATIC STAY NOT INTENDED FOR  
PUBLICATION**

These findings of fact and conclusions of law, which are not intended for publication, are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b) (2) (G).

Findings of Fact

Debtors filed their voluntary chapter 7 petition on

1 February 1, 2007. They scheduled real property commonly known  
2 as 868 Bransford Court, Fairfield, CA 94533 ("property") as  
3 property of the estate. The first meeting of creditors was  
4 held on March 13, 2007. The chapter 7 trustee filed a report  
5 finding that there is no property available for distribution  
6 from the estate over and above that exempted by the debtors.

7 On March 16, 2007, WMC Mortgage Corporation ("movant")  
8 filed a motion, notice, and declaration requesting that this  
9 court vacate the automatic stay to permit movant to foreclose  
10 upon the property. The fair market value of the property is  
11 approximately \$435,000.00. Movant has a lien on the property  
12 in the approximate amount of \$77,410.46. There are other liens  
13 against the property in the approximate amount of \$308,000.00.

14 At the hearing on the motion on April 10, 2007, debtor  
15 opposed the motion, asserting that the statements in the moving  
16 papers were false. The hearing on the motion was continued to  
17 May 8, 2007 to determine whether to have an evidentiary  
18 hearing. By stipulation and court order, the hearing on May 8,  
19 2007 was rescheduled to May 29, 2007 due to the debtor's  
20 counsel being summoned for jury duty on that date. In this  
21 interim, debtors were granted a discharge from all  
22 dischargeable debts on May 18, 2007.

23 Upon review of the record, the court determined that  
24 the written record was adequate and that no oral argument is  
25 necessary.

26  
27 Conclusions of Law

28 The automatic stay of acts against debtor in personam

1 expires when the debtor is granted a discharge. 11 U.S.C.  
2 § 362(c)(2)(C). Acts against property of the estate remain  
3 stayed until the earliest of the time when the bankruptcy case  
4 is closed, dismissed, or the property ceases to be property of  
5 the estate. 11 U.S.C. § 362(c). The automatic stay may be  
6 terminated earlier if debtor fails to protect the secured  
7 party's interest adequately, § 362(d)(1), and, with respect to  
8 a stay of an act against property, debtor does not have equity  
9 in the property, § 362(d)(2)(A), and the property is not  
10 necessary to an effective reorganization. 11 U.S.C. §  
11 362(d)(2)(B). The issue of whether the property is necessary  
12 to an effective reorganization is not considered in a chapter 7  
13 case because no reorganization is contemplated in a chapter 7  
14 case.

15 Although the debtors appear to have equity in the  
16 property, since the debtors were granted a discharge, the  
17 automatic stay has expired as to the debtors. Thus, the motion  
18 insofar as it is directed at the interest of the debtors is  
19 moot and will be denied.

20 However, the motion will be granted as to the interest  
21 of the trustee.

22 An appropriate order will issue.

23 Dated: June 1, 2007

24  
25   
26 UNITED STATES BANKRUPTCY JUDGE  
27  
28

CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

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Dated: 6/4/07

  
Deputy Clerk